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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Monday, 20 June 2011, at 10 a.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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11-37952 (E)

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 15 June 2009 concerning Puerto Rico (A/AC.109/2011/L.6 and L.13)

2. **The Chairman** informed the Committee that the delegation of Egypt, in its capacity as Chair of the Movement of Non-Aligned Countries, had indicated its wish to participate in the Committee's consideration of the item as an observer.

Draft resolution A/AC.109/2011/L.6

3. **Mr. Núñez Mosquera** (Cuba), introducing draft resolution A/AC.109/2011/L.6, said that, although the Special Committee had already adopted 29 resolutions and decisions on the question of Puerto Rico, the Puerto Rican people were still unable to exercise their legitimate right to genuine self-determination. The draft resolution again stressed the urgent need for the United States of America to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV). It also called on the President of the United States to release the three Puerto Rican political prisoners who were serving sentences in United States prisons and requested the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects. The delegations sponsoring the draft resolution, as well as the various Puerto Rican political forces, considered that such a review by the General Assembly was now more urgent than ever before. He hoped that the draft resolution would be adopted by consensus.

Hearing of petitioners

4. **The Chairman** drew attention to the further requests for hearing contained in addendum 1 to aide-memoire 08/11. He took it that the Committee wished to accede to those requests.

5. *It was so decided.*

6. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take places at the petitioners' table and would withdraw after making their statements.

7. **Mr. Toledo Martínez** (Colegio de Abogados de Puerto Rico) said that his organization had made several proposals regarding procedural ways to make progress towards the decolonization of Puerto Rico. The most important proposal was that a constitutional assembly on status should be convened, with broad democratic participation, to negotiate the territory's future relationship with the United States. Although that proposal enjoyed considerable support in Puerto Rico, the United States authorities were seeking to ignore Puerto Ricans' right to political self-determination and independence, through the creation of a task force on Puerto Rico's status by executive order of the President. In his recent visit to Puerto Rico, President Obama had insisted that the Puerto Rican people — even though they had been suffering an economic depression for over six years, and faced high levels of poverty, unemployment and corruption under the colonial yoke — should support his Government's attempts to legitimize colonialism through popular consultations that did not provide for genuine self-determination.

8. The United States continued to arrest and imprison Puerto Rican independence fighters, such as Óscar López Rivera, Norberto González Claudio and Avelino González Claudio; to impose the death penalty in federal cases even though it was prohibited by the Constitution of Puerto Rico; and to hamper the economic development of Puerto Rico by preventing it from generating income through its own initiative. All such actions were in violation of General Assembly resolution 1514 (XV), the Charter of the United Nations and the Universal Declaration of Human Rights.

9. The Committee should once again call on the General Assembly to review the case of Puerto Rico and to allow de-listed territories to make representations before it when colonial Powers failed to meet their obligations under international law.

10. **Mr. Rivera Reyes** (PROELA) said it was regrettable that, at the start of the Third International Decade for the Eradication of Colonialism, Puerto Rico was further than ever from achieving its inalienable right to self-determination. The adverse consequences of its political and economic subjugation included one of the highest murder rates in the world, an economic recession, a weak labour participation rate and rising levels of poverty.

11. While the case of Puerto Rico was certainly not simple, it was clear that the United States Government

had failed to comply with the provisions of General Assembly resolution 748 (VIII), given that, on many occasions since the resolution's adoption, it had gone against the wishes of the Puerto Rican people and prevented them from pursuing their own economic development. Current involvement by the United States in local affairs included the unilateral setting of prices for locally produced milk, attempts to impose the death penalty when the Constitution of Puerto Rico expressly prohibited it, and groundless accusations against election candidates. The United States Government was clearly indifferent to the political, economic and social situation of Puerto Rico. The report published in March 2011 by the President's Task Force on Puerto Rico's Status was full of contradictions and helped to maintain internal divisions in Puerto Rico. The plebiscite proposed in the report would in fact violate international law, since it would ask Puerto Ricans to implicitly renounce their right to self-determination and it also precluded participation by Puerto Rican nationals residing outside the territory. Self-determination was an inalienable right under international law and consequently could not be renounced. It was unacceptable that such a proposal could be made by the political leaders of any territory, out of a desire for electoral and financial advantage.

12. Pursuant to General Assembly resolution 1654 (XVI), a commission should be established to begin a process of dialogue between the Special Committee, the Puerto Rican people and the United States Government. The General Assembly should also request an advisory opinion from the International Court of Justice on the case of Puerto Rico, as authorized by Article 96 of the Charter of the United Nations. Lastly, future Special Committee resolutions should again refer to a constitutional assembly on status as an appropriate mechanism for enabling Puerto Ricans to claim their right to self-determination and should indicate the desirability of allowing Puerto Rican nationals residing abroad to participate directly in that assembly. He hoped that those proposals would be included in the Special Committee's report to the Fourth Committee.

13. **Mr. Pesquera Sevillano** (Movimiento Independentista Nacional Hostosiano) said that, before it had been invaded by the United States, Puerto Rico had been a productive, hard-working and supportive society, on the verge of gaining its independence. The invaders had quickly and progressively destroyed its economy, making it dependent on goods from the mainland. Currently, labour-force participation was barely 40 per cent, official unemployment stood at 17 per cent, 48 per cent of the population was welfare-dependent and 67 per cent lived below the poverty line.

14. Agriculture, which had flourished at the time of the invasion, had collapsed as the country had gone from self-sufficiency to dependence, importing 85 per cent of what it consumed from the United States. Puerto Rico was also required to use the United States merchant marine, the most expensive and inefficient in the world, for all its imports. Furthermore, the United States armed forces had polluted thousands of acres, especially on the islands of Culebra and Vieques, with toxic waste from military activities. In the case of Vieques, although the military exercises had come to an end 10 years earlier, the land had not yet been decontaminated, much less returned to the island's inhabitants.

15. The collapse of the colonial economy had led successive colonial administrations to resort to the issuance of public debt. From US$ 2.7 billion in 1972, it had risen to more than US$ 60 billion. The invader had caused enormous social, economic and ecological harm but it was Puerto Ricans who owed the mainland billions of dollars. The country remained poor and dependent, leading to the exodus of half of its population.

16. Puerto Rico's colonial status must be urgently addressed, not only as a matter of dignity and principle, but in order to solve the crisis caused by the territory's serious economic, social and political problems. The United States Government must face up to its historical responsibility, stop harming the environment, economy and inhabitants of Puerto Rico and prepare to compensate it for more than 113 years of colonialism and exploitation.

17. Under international law, the United States must acknowledge that all 8 million Puerto Rican nationals had the right to self-determination. The plebiscite proposed in the report by the President's Task Force on Puerto Rico's Status formed part of an imperialist strategy to perpetuate colonialism, based on the idea that Puerto Rico was subject to United States congressional authority. The divisions that existed between Puerto Ricans, although caused and maintained by the United States authorities themselves, were being used as an excuse not to act.

18. A constitutional assembly on status, organized, financed and conducted by Puerto Ricans without the intervention of the United States, and subject to applicable international law, was the appropriate mechanism for bringing about Puerto Rico's decolonization. Inviting the Special Committee to send a delegation to Puerto Rico to see for itself the critical colonial situation of the island, he requested that the case of Puerto Rico should be considered comprehensively by the General Assembly. He wholeheartedly supported the draft resolution currently before the Special Committee and reiterated the call for the Puerto Rican political prisoners Óscar López Rivera, Avelino González Claudio and Norberto González Claudio to be released.

19. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that, in order for Puerto Rico to achieve national sovereignty through an effective process of self-determination, the participation of the Puerto Rican diaspora must be guaranteed by means of a constituent or people's assembly. Some 800,000 Puerto Ricans had emigrated to the United States and other countries in the last decade, especially since 2006, when the Puerto Rican economy had fallen into recession as a result of the territory's inability to manage its own destiny and economy. The forced emigration of Puerto Ricans to the United States had had psychological, social and economic consequences. It was incompatible with democratic principles that the United States Government was specifically recommending the exclusion of the Puerto Rican diaspora from the self-determination process, citing cost concerns, when at the same time it had recently begun a campaign in Puerto Rico to naturalize thousands of foreigners, who would consequently have the right to determine the political future of Puerto Rico under the decolonization model that the United States sought to implement.

20. There were many international precedents for the participation of diasporas in organized consultation processes, which was a prerequisite for the full and effective exercise of democracy. Puerto Rico must not fall into the error of pursuing a decolonization process that did not guarantee the participation of its diaspora, ensure the release of all Puerto Rican political prisoners and fulfil all the requirements of General Assembly resolution 1514 (XV).

21. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that the imprisonment, for political reasons, of Óscar López Rivera, Avelino González Claudio and Norberto González Claudio was a violation of human rights and an act of repression. Although none of the three political prisoners had had a criminal record prior to incarceration and none had been charged with any violent acts, all of them had received unduly harsh treatment. Despite having been model prisoners, they had been tortured, denied medical treatment, placed in solitary confinement and denied visits from family and legal counsel. Such mistreatment of prisoners based on their political beliefs was in violation of international norms. The prisoners had been portrayed as terrorists by the United States Government when they were in fact freedom fighters. The United Nations should take immediate action to end the colonial occupation of Puerto Rico and secure the unconditional release of all Puerto Rican political prisoners.

22. **Ms. Aponte** (Movimiento de Afirmación Viequense) said that the human rights of the residents of the island of Vieques were constantly violated by the United States Navy, which for some 60 years until 2003 had used the island for military manoeuvres, with scant regard for the lives and freedom of its residents. As a result, they faced severe health problems, suffering a higher incidence of such diseases as cancer than people living elsewhere in Puerto Rico; agricultural products grown on Vieques were unsafe for human consumption because of the high concentration of heavy metals in the soil; and the fishing industry was affected by the contamination and risk resulting from the thousands of unexploded bombs in the waters surrounding Vieques. Although the United States Navy was no longer conducting military manoeuvres on the island, explosions occurred with the same frequency as before owing to bomb removal work that involved the detonation of unexploded devices. The Navy's preferred method for destroying such bombs was by starting bush fires, which resulted in widespread contamination of agricultural land and settlements.

23. The report by the President's Task Force on Puerto Rico's Status indicated that the clean-up of the former military areas on Vieques was expected to last another decade. That was too long for the people of Vieques, three quarters of whom lived below the poverty line. Recalling that the actions of the United States Navy were prohibited under international law, she urged the Special Committee to recommend that the case of Puerto Rico should be taken up by the General Assembly.

24. **Ms. Centeno Rodríguez** (American Association of Jurists) said that the Colegio de Abogados de Puerto Rico had come under attack from supporters of the colonial Government. Various cases had been taken to the federal courts of the United States, attempts had been made to seize the organization's building through the imposition of illegal fines and its president, Osvaldo Toledo Martínez, had been arbitrarily imprisoned. Furthermore, the organization suffered continued attempts at interference with the legal services it provided to low-income communities and with its rights of association and organization.

25. The killing of Filiberto Ojeda Ríos in June 2006 had marked the beginning of renewed attacks on civil and human rights in Puerto Rico. The Puerto Rican Governor's administration and the Puerto Rican police had used deception and intimidation to justify the use of excessive force, while the Legislative Assembly of Puerto Rico had employed institutional violence to prevent the press, students and civil society organizations from obtaining information on, or protesting against, cuts to educational, social and administrative programmes. Meanwhile, public debt continued to grow.

26. The existence of the Pico del Este military base in El Yunque, the open detonation of ammunition on Vieques, and other military activities harmful to the population's health were matters of concern. In order to provide United States military bases with the energy they needed, the Puerto Rican government had recently proposed the construction of a gas pipeline, which was opposed by the vast majority of Puerto Ricans. Furthermore, it was particularly worrying that geo-engineering technologies for climate control, which could also serve as a weapon or as an anti-missile shield, were situated in Puerto Rico. The United States carried out such military activities in Puerto Rico with complete disregard for the human rights and socio-economic development of the Puerto Rican people and with the intention of evading its international obligations, especially those under the Charter of the United Nations.

27. Rather than acknowledging the colonial situation and acting in accordance with international law to resolve it, the United States planned to hold another plebiscite with a view to legitimizing its military occupation of Puerto Rico. Sovereign powers must, however, be acquired by the people of Puerto Rico before they could exercise their right to self-determination. For that to happen, the United States would first need to withdraw all its troops, military bases and nuclear weapons from Puerto Rico; otherwise no transparent decolonization process would be possible. The case of Puerto Rico should be referred to the General Assembly as a matter of urgency and all Puerto Rican political prisoners should be released.

28. **Mr. Torres** (Partido Nacionalista de Puerto Rico) said that colonialism was a crime against humanity. It was to be hoped that the case of Puerto Rico would be placed on the agenda of the General Assembly, so that pressure could be brought to bear on the United States to end its colonial domination of the territory. It was clear from the 2011 report by the President's Task Force on Puerto Rico's Status, as well as remarks made by President Obama on his recent visit to Puerto Rico, that the United States Government had no intention of allowing Puerto Rico to decide on its political status, much less become a free, sovereign and independent State. Meanwhile, economic and social conditions in Puerto Rico continued to deteriorate. The colonial administration had, for example, implemented a privatization programme that had left thousands out of work, while at the same time it was squandering millions of dollars on projects, such as the "Vía Verde" gas pipeline, that solely benefited the financial supporters of the colonial government.

29. The United States should allow the Puerto Rican people to exercise their right to self-determination as a matter of urgency, and return to them all their sovereign powers, without which they were unable to enact the necessary legislation to address and solve their problems. In addition, the Puerto Rican political prisoner Óscar López Rivera should be released.

30. **Mr. Martín** (Partido Independentista Puertorriqueño) said that the most recent report by the President's Task Force on Puerto Rico's Status made it clear that, under United States constitutional law, Puerto Rico remained a possession of the United States. While that admission was in some ways refreshing, after the decades of deception that had followed the adoption of General Assembly resolution 748 (VIII) in 1953, regrettably it had not led to any assumption of responsibility for decolonization by the colonial Power. In the light of that inertia, the Puerto Rican people must take all necessary initiatives to help launch a process that might eventually lead to decolonization. The Partido Independentista Puertorriqueño, for example, had for some years been

promoting an initiative whereby Puerto Ricans could express their opposition to the current colonial situation and their support for non-colonial alternatives recognized under international law. A voice must be given to the undoubted majority of Puerto Ricans opposed to Puerto Rico's current political status, in order to put an end, once and for all, to the spurious argument that Puerto Ricans favoured colonialism. Such an initiative, while it would not guarantee the decolonization of Puerto Rico, would serve to put pressure on the United States Government to face up to its responsibilities under international law.

31. He urged the members of the Special Committee, especially the Latin American and Caribbean nations, to coordinate their efforts to ensure that the draft resolution currently before them served as a basis for the General Assembly's consideration of the case of Puerto Rico. Lastly, he recalled the situation of the Puerto Rican political prisoners, particularly Óscar López Rivera, who had been serving a sentence for over 30 years. Such abuse was a pure manifestation of the continued repressive anti-independence policies of the United States Government.

32. **Ms. Susler** (National Lawyers Guild) said that the President's Task Force on Puerto Rico's Status had issued recommendations for resolving the status question without expressly acknowledging Puerto Rico's colonial situation. Although more than half of the Puerto Rican population lived in the United States, the Task Force had recommended holding a plebiscite on status in which only current residents of the island would be eligible to participate.

33. President Obama had been the first United States President to visit the island in 50 years. His visit had prompted mass demonstrations calling for an end to colonial rule, independence and the release of Puerto Rican political prisoners. The United States Parole Commission had recently refused the parole bid of one such prisoner, Óscar López Rivera, who had served 30 years of a 70-year sentence. The Commission had ignored its own rules and the fact that the prisoner met all the parole criteria. Tens of thousands of elected officials, lawyers, religious leaders and human rights advocates had voiced their support for his immediate release.

34. She urged the Committee to adopt a resolution calling for the General Assembly to consider the case of Puerto Rico. The resolution should also call on the United States Government to release Puerto Rican political prisoners immediately, to make a formal commitment to good-faith negotiations on a solution to Puerto Rico's colonial condition, and to recognize and respond to the proposals made by a constitutional assembly initiated by the people of Puerto Rico as the true expression of the aspirations of that people.

35. **Mr. Delgado Rodríguez** (Alianza pro Libre Asociación Soberana (ALAS)) said that, although the Special Committee had been considering the case of Puerto Rico for over 25 years and had adopted 29 resolutions and decisions in that regard, the political, economic and social situation of Puerto Rico had deteriorated to an alarming extent. The United States had managed to isolate Puerto Rico from political, economic and cultural interaction with the rest of the world and exercised absolute control over all essential activities of the Puerto Rican people. The United States federal courts were claiming jurisdiction in ever broader spheres of activity in the territory, and sought to apply the death penalty in Puerto Rico even though that was prohibited by the island's Constitution.

36. A process of self-determination was clearly needed to end the colonial relationship that currently existed between Puerto Rico and the United States. Regrettably, the proposal for a plebiscite contained in the 2011 report by the President's Task Force on Puerto Rico's Status had several defects. The options for political status that would be offered to Puerto Rican voters did not comply with the provisions of international law; they included the current colonial relationship as one of the options; the Puerto Rican diaspora would not be allowed to participate in the plebiscite; and it was not clear whether the result would be binding on the United States Government. Furthermore, President Obama, during his recent visit to Puerto Rico, had stated that the "residents of the island" would vote in the plebiscite, indicating that he had already decided to exclude the Puerto Rican diaspora. Since that constituted another action contrary to human rights, a number of organizations, including ALAS, were in the process of filing a complaint with the Organization of American States (OAS) Inter-American Commission on Human Rights.

37. ALAS had always supported free association, as defined by the international community in General Assembly resolution 1541 (XV), as the most appropriate status option for redressing the colonial situation of Puerto Rico. Since the adoption of Assembly resolution 748 (VIII) in 1953, Puerto Rico

had existed in a kind of legal limbo, since it was considered to be neither a sovereign country nor a colony under international law. His organization therefore proposed the convening of a constitutional assembly on status to determine the political future of Puerto Rico; the designation of a contact person for the Puerto Rico issue within the Special Committee secretariat; supervision of the proposed plebiscite, if it took place, by the United Nations; creation of a mechanism whereby the General Assembly could reassess the case of territories, such as Puerto Rico, that had been removed from the list of Non-Self-Governing Territories, with a view to their re-inclusion where appropriate; and consideration of the question of Puerto Rico by the General Assembly. Lastly, he called for the release of all Puerto Rican political prisoners.

38. **Mr. Mangual Cruz** (Fundación Andrés Figueroa Cordero) said that the Partido Nuevo Progresista was conspiring to distort the rich revolutionary history of Puerto Rico for the benefit of those who, with annexationist aspirations, were promoting corruption on the island. All nations subject to military occupation had the right to defend their territory and nationality by any means necessary. The United States sought to deny the Puerto Rican people their inalienable right to independence, to exploit them economically, to distort their culture and to violate their fundamental human rights. In fact, it was engaging in genocide in Puerto Rico, having ousted a large part of the Puerto Rican population in order to establish military bases on the island. Ever since its invasion, the United States had intervened militarily, politically and economically in the life of Puerto Rico, violating all universally accepted principles of international law and deceiving the United Nations by falsely claiming that the people of Puerto Rico had exercised their right to self-determination.

39. The Government of the United States had not only failed to transfer all powers to the Puerto Rican people, contrary to the provisions of General Assembly resolution 1514 (XV), but it had also used pressure, blackmail and threats to prevent the Special Committee from fulfilling its mandate to investigate, study and report on the colonial case of Puerto Rico, and had imposed on the Puerto Rican people an electoral system in which Washington retained the last word. The proposed plebiscites constituted not only an affront to Puerto Rican dignity but also an attempt to annex the territory by stealth and a denial of the right to self-determination.

40. **Mr. Villanueva Muñoz** (Comité Pro Derechos Humanos de Puerto Rico) said that the will of the Puerto Rican people to achieve their self-determination and independence was unshakable. The colonial situation in Puerto Rico, which had led to a climate of widespread violence, was severely affecting the quality of life of its inhabitants. The current government of Puerto Rico sought to impose peace by force and to protect powerful financial interests. Thousands of public employees had been laid off. The Federal Bureau of Investigation (FBI) used excessive force against journalists, trade unionists and students, while the United States Department of Justice refused to provide information on investigations into police brutality. Legislation requiring a large financial guarantee from anyone who wished to take legal action to protect natural resources, agricultural land or access to beaches sought to protect developers and deter action by environmentalists. The constitutional ban on phone-tapping was ignored, thereby placing the interests of the United States above the will of the Puerto Rican people, and attempts were being made to hold a referendum aimed at reversing the prohibition of the death penalty in Puerto Rico.

41. There could be no real process of self-determination or decolonization while the United States Government supported the use of excessive police force to suppress protests. In that connection, the American Civil Liberties Union had recently filed a complaint with the United States Department of Justice to protect the constitutional rights of citizens who were persecuted in Puerto Rico for their social activism. The commitment of the Puerto Rican people and their representatives to protecting and preserving the human rights of their compatriots went beyond political ideologies and was reflected in the broad-based support for the campaign to secure the release of Óscar López Rivera, who had already served a 30-year prison sentence.

42. President Obama had a moral obligation to ensure that the United States lived up to its commitment to peace and democracy. It was time to allow for a genuine process of self-determination and to release Óscar López Rivera and all other Puerto Rican political prisoners.

43. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that Puerto Rico was the undeclared fifty-first state of the United States. Although a 1917 law had granted citizenship to all Puerto Ricans, they were not adequately represented in Congress and did not have the same voting rights as other citizens, even though thousands of Puerto Ricans had lost their lives while serving in the United States military. With respect to the situation in Vieques, Congress should have acted more effectively to protect the environment and to defend federal property and the United States naval forces' right to conduct training exercises. She hoped that the Committee would help put an end to the historical discrimination against the Puerto Rican people by adopting a resolution that called on the United States Congress to declare Puerto Rico's statehood immediately.

44. **Ms. Santiago Pérez** (Comité de Apoyo a los Hermanos González Claudio) said that the United States authorities continued to arrest and imprison Puerto Rican independence fighters, in some cases even killing their leaders and family members, and used repressive forces such as the FBI and the federal courts to suppress protests by workers, students and the general population. Óscar López had already spent 30 years in prison and had recently been denied parole for the second time; Avelino González, who had been arrested in 2008, had now been classified as a domestic terrorist in order to keep him in isolation and deny him access to his medication for Parkinson's disease; and Norberto González had been in solitary confinement since his arrest some weeks previously and had been told that he would continue to be kept in isolation. The conditions imposed on Puerto Rican political prisoners had historically been disproportionate to their alleged crimes. Even now they were subject to worse conditions than the overall prison population, suffering segregation from other prisoners, delays in medical treatment, and monitoring and censorship of their communications. Such conditions often violated the most basic human rights.

45. Avelino and Norberto González Claudio believed that they, along with all other Puerto Ricans, had the right to defend Puerto Rico's national sovereignty. They called for the United States to transfer authority to the Puerto Rican people and recognize their right to self-determination. Her organization urged the Special Committee to call on the United States to stop violating international agreements on the treatment of independence fighters and their supporters, to comply with General Assembly resolution 1514 (XV) and to release all political prisoners. It also requested the international community to support its demands and to recognize that every nation had an inalienable right to freedom.

46. **Mr. Hernández González** (Comité Puerto Rico en las Naciones Unidas) said that the case of Puerto Rico had not advanced, despite the Special Committee's long-standing commitment to its decolonization. Puerto Rico had been removed from the list of Non-Self-Governing Territories in 1953, with the adoption of General Assembly resolution 748 (VIII), when the United States had falsely claimed that the Puerto Rican people had effectively exercised their right to self-determination by establishing their own Constitution and government, when in fact the Constitution had been subject to review and acceptance by the colonial Power. In view of that fraudulent action by the United States Government, Puerto Rico should now be returned to the list of Non-Self-Governing Territories in order to clear the way for its case to be considered by the General Assembly. The various plebiscites held on Puerto Rico's political status since the entry into force of the Constitution in 1952, as well as the existence of the President's Task Force on Puerto Rico, clearly demonstrated that the problem had never been resolved and that the colonial Power was still violating international law and Puerto Rico's right to the exercise of sovereignty.

47. It was unacceptable that the Puerto Rican people should be asked to vote in a plebiscite that was rigged and biased in favour of the colonial Power. Since Puerto Rico was still under the direct control of the United States, it could not take an independent decision in full exercise of its sovereign will.

48. Puerto Rico and other countries still subjected to colonialism should be given observer status in the United Nations so that they could continually raise awareness of their colonial situation until a solution was reached.

49. **Ms. Garza** (Socialist Workers' Party) said that although President Obama, during his whirlwind electioneering visit to Puerto Rico, had promised to improve education, health care and employment prospects in Puerto Rico and the United States, the reality of United States colonial rule showed just the opposite. The working people of Puerto Rico continued

to face worsening living conditions and government attacks, including the recent lay-off of 17,000 public workers. The official unemployment rate stood at 16 per cent but was in reality much higher. Students at the University of Puerto Rico had faced brutal police assaults as they protested against sharp increases in tuition costs, and Washington continued to use Puerto Ricans as cannon fodder in its imperialist wars.

50. The workers and farmers of Puerto Rico and the United States had a common enemy, namely the Government of the United States and that country's propertied ruling families. A successful fight for the independence of Puerto Rico was in the interests not only of the Puerto Rican people but also of the vast majority of the people of the United States. Growing recognition among that country's workers that the capitalist system was responsible for the devastating conditions they faced would make them more sympathetic to the Puerto Rican independence struggle.

51. The Puerto Rican people and United States workers faced a common struggle in opposing growing attacks on workers' rights by the FBI and other political police forces, which had been granted extensive powers under United States counter-terrorism legislation to tap communications, search personal papers and spy on individuals without having to justify their actions. Those fighting for Puerto Rico's independence were a special target. She called for the immediate release of Óscar López Rivera, Avelino González Claudio and Norberto González Claudio and protested against the recent decision to deny parole once again to Óscar López, who had served 30 years in prison. The Cuban Five, who had been imprisoned in the United States on trumped-up charges, must also be released. The Cuban revolution offered a powerful example to all those engaged in the fight against United States colonial domination.

52. **Mr. Gabriel** (Puerto Rico Solidarity Network) said that his organization believed that some of the problems plaguing Puerto Rico, such as attempts to dismantle public education and an initiative to install a dangerous gas pipeline on the island despite the objections of the communities concerned, were symptomatic of the colonial relationship with the United States. Given their ability to vote in United States presidential and congressional elections, Puerto Ricans living in the United States, who now outnumbered those living on the island, would undoubtedly have more influence than ever before on their homeland's ultimate political status. He urged the Committee to take all appropriate measures to ensure that the case of Puerto Rico received the attention it deserved and that the Puerto Rican people's struggle for self-determination received the full support of the international community.

The meeting rose at 1 p.m.

A/AC.109/2011/SR.5

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 20 June 2011, at 3 p.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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Special Committee decision of 15 June 2009 concerning Puerto Rico (*continued*)

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11-37958 (E)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

Special Committee decision of 15 June 2009 concerning Puerto Rico (A/AC.109/2011/L.6 and A/AC.109/2011/L.13)

Hearing of petitioners (aide-mémoire 08/11/Add.1)

Hearing of petitioners (continued)

1. **The Chairman** said that, in line with the Special Committee's usual practice, petitioners would be invited to address the Committee and would withdraw after making their statements.

2. **Mr. Velgara** (Frente Socialista de Puerto Rico) said that it was incumbent upon the Special Committee unequivocally to condemn the colonial domination of Puerto Rico by the United States of America, which must acknowledge the island's natural right to independence. Thousands of Puerto Ricans had repudiated the imperial visit to the island by the President of the United States of America on 14 June, participating in demonstrations to demand their nation's independence and the immediate release of Puerto Rican political prisoners.

3. The colonial problem that Puerto Rico faced had been caused by the invasion of foreign military forces and sustained by their repressive imperial apparatus that criminalized the struggle for independence. The classification of such freedom fighters as Avelino and Norberto González Claudio as "domestic terrorists", and the arrest and prosecution of persons so classified, illustrated the difficulties that Puerto Ricans of all backgrounds faced when they attempted to defend their rights.

4. The Puerto Rican island of Vieques had been subjected to criminal bombings by the United States Marine Corps for over half a century. After an international campaign to end the bombings, operations had ended a decade earlier, but their recent resumption was cause for alarm and should therefore be monitored by the Special Committee and a United Nations observer.

5. The United States Government's attempt to impose the death penalty in Puerto Rico, which had ratified a ban on the practice in its 1952 Constitution, amounted to yet another colonial violation of the Puerto Rican people's democratic rights.

6. His organization reiterated its call for implementation of General Assembly resolution 1514 (XV) and a genuine decolonization process, the prerequisites of which included transfer of all powers to the Puerto Rican people and immediate withdrawal of the United States military, legal and political infrastructure. Ongoing United States congressional consultations on a referendum that would resolve the colonial situation were merely further proof of that country's imperial designs on a Latin American people. Meanwhile, United States authorities, who oversaw all human and commercial exchange between Puerto Rico and the rest of the planet, failed to prevent violent deaths on the island, 90 per cent of which were directly related to the illegal drug trade.

7. Lastly, given the ample evidence the Special Committee possessed on the untenable political situation of Puerto Rico, further delay in referring the matter to the General Assembly plenary would make the Committee an accomplice to the United States of America in annihilating a nation in the name of maintaining a military and economic enclave in the Caribbean.

8. **Mr. Adames** (Literary Center Anacaona) said that President Obama's recent visit to Puerto Rico had raised hopes that the island would finally be declared the fifty-first state of the United States of America. However, those hopes had gone unrealized.

9. For 100 years, Puerto Rico had been a state in all but name. Like other citizens of the United States, Puerto Ricans were required to fight in American wars, and Puerto Ricans joined the United States military and police in large numbers. However, Puerto Ricans suffered various forms of discrimination compared to other citizens of the United States.

10. Independence no longer made sense for Puerto Rico. Half of the population of Puerto Rico resided in the continental United States. While Puerto Rico's neighbours had been struggling for independence, Puerto Rico had been absorbed by the United States. A declaration of statehood would return to Puerto Rico the rights of which it had been stripped and put an end to discrimination. A mere 2 to 3 per cent of the people supported independence.

11. **Mr. Molina** (Movimiento Alternativo del Pueblo 12 de Septiembre) said that the Puerto Rican people, which had never bowed down before invading empires, was in need of the Special Committee's support, rather

than its charity, to achieve its complete liberation and transfer of powers in accordance with General Assembly resolution 1514. Once again, representatives of all sectors of Puerto Rican society had come before the Special Committee to attest to the colonial subjugation of their country. Both the Special Committee and the General Assembly of the United Nations had, on several occasions, voted overwhelmingly in favour of the inalienable right of the Puerto Rican people to join the free nations of the world.

12. He denounced the farcical colonial government and its political parties and agents, which opposed freedom of expression and the enjoyment of Puerto Rico's natural resources by its people. The United States of America had committed numerous crimes against the Puerto Rican people, starting with its invasion of the island in 1898 and ranging from the theft of its natural resources to the incarceration and assassination of its pro-independence leaders. He also condemned the imperial visit by the President of the United States of America to the island, and demanded the immediate liberation of Puerto Rican political prisoners Oscar López-Rivera, Haydée Beltrán, Avelino González Claudio and Norberto González Claudio.

13. **Ms. Datil** (Soho Art Fest) said that the constitutional rights of Puerto Ricans were being violated, including their right to vote and be represented in the Congress of the United States, to receive equal protection as a United States territory against invasion and to engage in free trade with the states of the United States. A law governing relations between the United States and Puerto Rico, intended as a temporary measure and signed in 1952, had become a permanent instrument of oppression. Although the Constitution of the United States mentioned the right to vote some half-dozen times in various articles and amendments, Puerto Ricans could not exercise that right.

14. The United States did not protect Puerto Rico against invasion, as guaranteed under the Constitution, leaving it open to an aggressive invasion of illegal aliens whose presence was resulting in increased drug use and social problems. Nor was the United States Government taking steps to put a stop to human trafficking, which in the last 40 years had become an open, multimillion dollar business.

15. During the Presidential campaign leading up to the 2008 election, Mr. Obama had promised that a constituent assembly would be established to discuss and modify the political status of Puerto Rico and its people. However, while President Obama had visited Puerto Rico recently for four hours to collect money for his campaign, there had been no developments with regard to the right of the Puerto Rican people to vote.

16. The people of Puerto Rico paid extremely high customs fees and federal taxes on United States imports and exports. Puerto Rico's foreign trade was unilaterally controlled by the State Department of the United States, with devastating consequences for the Puerto Rican economy.

17. **Mr. Espada** (Coalición Puertorriqueña contra la Pena de Muerte) said that the issue of the death penalty should be considered by the Special Committee and included in the draft resolution under consideration, as it was vital to the question of self-determination. The application of the death penalty in his country dramatized the subjugation of its people to foreign domination. Puerto Rico had legislated the abolition of the death penalty in 1929 and enshrined that abolition in its 1952 Constitution; nevertheless, the island remained subject to United States legislation, which imposed the practice under the Federal Death Penalty Act. In addition, death penalty cases in Puerto Rico were conducted in a language different from the people's native tongue. Puerto Ricans could be extradited to face the death penalty anywhere in the United States of America even if the Government of Puerto Rico opposed it. Under such circumstances, it could not be said that Puerto Ricans enjoyed the right to self-determination.

18. In 2010 the Government of Puerto Rico had granted United States federal authorities exclusive jurisdiction in all murder cases involving motor vehicle theft, bank robbery and use of illegal weapons, effectively increasing the possibility of reinstating the death penalty in Puerto Rico, in flagrant disregard of the will of the people.

19. He requested the Special Committee to recommend that the General Assembly should consider both the question of Puerto Rico and the serious conflict existing between Puerto Rico's right to self-determination and the application of the death penalty within its territory by the United States of America, and to adopt a resolution demanding that the United States Government immediately stop application of the federal death penalty in Puerto Rico.

20. **Mr. Tag-Eldin** (Observer for Egypt), speaking on behalf of the Movement of Non-Aligned Countries,

reiterated the Movement's strong support for the work of the Special Committee on Decolonization and urged the administering Powers to grant their full support to the activities of the Committee. The Movement renewed its call to Member States of the United Nations to speed up the decolonization process to achieve the complete elimination of colonialism.

21. The Movement reaffirmed its positions on the question of Puerto Rico contained in the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, in July 2009, and in the final document of the sixteenth Ministerial Meeting held in Bali, Indonesia, in May 2011.

22. The question of Puerto Rico had been under consideration of the Special Committee for more than 36 years. A total of 29 resolutions or decisions had been adopted by the Committee on the subject. The Movement welcomed the fact that over the last decade the Committee had adopted its resolutions by consensus.

Draft resolution A/AC.109/2011/L. 6 (continued)

23. **Mr. De Las Ovalles Colmenares** (Bolivarian Republic of Venezuela) said that although Puerto Rico had been removed from the list of colonial territories in respect of which transmission of information was required under Article 73 *e* of the Charter of the United Nations, the Puerto Rican people, which constituted a Latin American and Caribbean nation, were still being denied their sovereignty.

24. The international community continued to make clear its commitment to the decolonization of Puerto Rico. In particular, the Final Declaration of the Tenth Summit of the Bolivarian Alliance for the Peoples of Our America (ALBA) had reiterated its members' support for Puerto Rico's struggle to achieve national sovereignty and end the imperialist occupation and military threat. The violation of the rights of civil rights organizations and the deteriorating social situation of the Puerto Rican people were disturbing. Consequently, his delegation reiterated its call for the United States Government to provide for a process that would allow the people of Puerto Rico to exercise fully their inalienable right to independence in conformity with General Assembly resolution 1514 (XV) and the relevant resolutions and decisions of the Special Committee.

25. **Mr. Echegoyen** (Nicaragua) said that although the Third International Decade for the Eradication of Colonialism was under way, the General Assembly had yet to fully consider and discuss the question of Puerto Rico. The United States of America should assume its responsibility in the decolonization process. Self-determination and independence were necessary to put an end to centuries of occupation and environmental destruction in Puerto Rico.

26. The Puerto Rican people were clearly dissatisfied with their colonial status, and all of the island's political parties, as well as civil society, were calling for change.

27. Nicaragua supported the call made at the Sao Paolo Forum, held in May 2011 in Managua, to take steps to ensure the presence of an observer delegation from Puerto Rico at the Summit of Heads of State and Government of the Community of Latin American and Caribbean States, to be held in Caracas in July 2011.

28. **Mr. Morejón** (Ecuador) said that Ecuador's Constitution enshrined the right to self-determination. Regrettably, although the Special Committee had been considering the issue of Puerto Rico for over 30 years, it had been unable to make concrete progress towards ending the colonial relationship. The many resolutions and decisions that it had adopted over the years should now be implemented. His delegation joined those urging the General Assembly actively to consider the question of Puerto Rico in all its aspects. Ecuador's decision to co-sponsor draft resolution A/AC.109/2011/L.6 reflected its commitment to the Puerto Rican people and its hope that Puerto Rico would soon join the community of independent and sovereign States, as a Latin American and Caribbean nation with its own unequivocal national identity.

29. **Mr. Solón** (Plurinational State of Bolivia) said that colonialist policies belonged to an interventionist past and constituted an unacceptable anachronism in the twenty-first century. The majority of the Puerto Rican people were in favour of decolonization. The constitutional assembly on status was particularly important as a mechanism to ensure broad and representative participation by the people of Puerto Rico in a genuine and transparent self-determination process, with the ultimate goal of independence. In that context, the United States of America had the responsibility of facilitating that process, and it must also return to the people of Puerto Rico the land it had

occupied, finance the decontamination of areas used in military exercises, and release Puerto Rican political prisoners arrested for their involvement in the struggle to liberate Puerto Rico.

30. In view of the solidarity with Puerto Rico expressed by various regional bodies, multilateral forums and civil society organizations, the question of its colonial status should undoubtedly be returned to the agenda of the General Assembly for active consideration in all its aspects.

31. **Mr. Ayzouki** (Syrian Arab Republic) said that the people of Puerto Rico had been seeking self-determination for years. Thus far the Special Committee had adopted 29 resolutions and decisions reaffirming their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). The Secretary-General Government should fulfil its responsibilities in that regard.

32. His delegation fully supported the call by the Heads of State and Government of the Non-Aligned Movement at their fifteenth and sixteenth Summits for implementation of the resolutions of the General Assembly demanding self-determination for the people of Puerto Rico, a Latin American and Caribbean country. He trusted that the draft resolution before the Special Committee would be adopted by consensus, in a reaffirmation of international legitimacy and the principles of the United Nations, of which self-determination was the most important.

33. **Mr. Sahraei** (Islamic Republic of Iran) said that the mandate of the Special Committee was to bring the scourge of colonialization to an end. The exercise of the right of self-determination was the most important component of the decolonialization process for territories under the Committee's consideration. His delegation reaffirmed the sovereign right of the people of Puerto Rico to self-determination under the Charter of the United Nations and General Assembly resolution 1514 (XV), entitled "Declaration on the granting of independence to colonial countries and peoples".

34. Adoption of the draft resolution by consensus would send a clear and strong message of support to the people of Puerto Rico. It would ensure increased momentum for change and indicate that the Special Committee, as the voice of the world's conscience, continued to support full achievement of the right of self-realization and independence. His Government supported the complete elimination of colonialism.

35. *Draft resolution A/AC.109/2011/L.6 was adopted.*

36. **Mr. St. Aimee** (Saint Lucia), speaking in explanation of position, said that his country had joined the consensus on the draft resolution because, to quote St. Paul, the people of his country wished that all people were like them. Saint Lucia was a free country and it wanted all people to be independent.

37. For the sake of consistency, General Assembly resolution 1541 (XV), entitled "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter" should have been cited as one of the relevant resolutions in the preambular paragraphs of the draft resolution.

38. **The Chairman** said that the concern would be noted.

39. **Mr. Núñez Mosquera** (Cuba) said that the number of delegations, both members and non-members of the Committee, which had spoken on the issue was increasing each year. The statement made on behalf of the Non-Aligned Movement had been excellent.

40. Cuba and Puerto Rico had long been united in the struggle for Puerto Rican independence. Both lands had been inhabited by Taino natives, had been invaded and occupied and had received infusions of African and Spanish blood. The independence struggles of Cuba and Puerto Rico had begun at almost the same time. At the founding of the Cuban Revolutionary Party, José Martí had said that its purposes were to achieve complete independence for Cuba and to aid and encourage Puerto Rican independence. Over 2,000 Puerto Ricans had shed their blood in the fight for Cuban independence. According to Martí, Cuban and Puerto Rican independence were indispensable to preserve the dignity of the United States of America. One of Fidel Castro's purposes in organizing the first congress of Latin American students in 1948 had been to demand the independence of Puerto Rico.

41. Despite 113 years of colonial domination, the Puerto Rican people had not lost their culture, identity or national sentiments. Cuba was in solidarity with the Puerto Rican people and would continue to uphold the legitimate right of the Puerto Rican people to self-determination and independence.

The meeting rose at 4.50 p.m.